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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**A.M., a minor, by and through her
Conservator, Tim Nay; and R.M., a
minor, by and through his Conservator,
Beagle and Associates of Oregon, Inc.,**

Plaintiffs,

v.

**JOHN HENRY YATES; DANIELLE
YVONNE YATES; YAKIMA VALLEY
FARM WORKERS CLINIC, INC., a
Washington Nonprofit Corporation;
PHYSICIANS' MEDICAL CENTER,
P.C.; and BRENT W. HEIMULLER,
M.D.,**

Defendants.

Case No. 17-cv-01833

**NOTICE OF REMOVAL
OF CIVIL ACTION**

PLEASE TAKE NOTICE that the civil action *A.M. a minor by and through her Conservator Tim Nay, et. al. v. John Henry Yates, et al.*, Multnomah County Circuit Court Case No. 16CV08504, is hereby removed to this Court by the United States of America pursuant to 28 U.S.C. §§ 1442 and 1446(a) and 2679(d)(2). The United States submits the Notice of Removal for the following reasons:

1. On or about March 22, 2017, Plaintiffs filed a First Amended Complaint alleging medical negligence against John Henry Yates, Danielle Yvonne Yates, Yakima Valley Farm Workers Clinic, Inc., a Washington Nonprofit Corporation; Physicians' Medical Center, P.C.; and Brent W. Heimuller, M.D., Defendants, in the Circuit Court of the State of Oregon, for the County of Multnomah, Case number 16CV08504.
2. At the time of the events complained of therein, Yakima Valley Farm Workers Clinic, Inc. was a federally deemed community health center by operation of the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233(g)-(n) and is covered under the Federal Tort Claims Act (28 U.S.C. 2675 et seq.) pursuant to 42 U.S.C. § 233(g). *See* Exhibit 1 ("Deeming Letters").
3. The United States has the statutory authority to remove this action to federal court. 28 U.S.C. §§ 1442, 1446(a).
4. Accompanying this Notice of Removal of Civil Action, the United States is filing a copy of the First Amended Complaint in this action as required by 28 U.S.C. § 1446(a). *See* Exhibit 2.

5. A copy of this Notice of Removal of Civil Action is being served upon the Plaintiffs and Defendants and a copy shall be filed with the Court Clerk of Multnomah County, Oregon, as required by 28 U.S.C. § 1446(d).

WHEREFORE, the above-captioned case is removed from the Multnomah County Circuit Court, State of Oregon, to this Court pursuant to 28 U.S.C. § 1442(a)(1).

Dated this 15th day of November 2017.

BILLY J. WILLIAMS
United States Attorney
District of Oregon

/s/ Susanne Luse
SUSANNE LUSE
Assistant United States Attorney
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Notice of Removal** was placed in a postage prepaid envelope and deposited in the United States Mail according to established office procedure within the office of the United States Attorney at Portland, Oregon, on November 15, 2017, addressed to:

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Physicians' Medical Center, P.C.*

/s/Keith W. Ramsey
KEITH W. RAMSEY
Legal Assistant

CERTIFICATE OF SERVICE